

**Human Resources
DRAFT as of 12/12/08**

AP 7126 APPLICANT BACKGROUND CHECKS

References:

Civil Code Sections 47, 1785.16, 1785.20, and 1786.16 et seq.;
Penal Code Sections 11075-11081;
Fair Credit Reporting Act (Federal)

Where a background investigation is mandated by law or required by an outside agency and is performed by a third party, the Chief Human Resources Officer or designee shall make a clear and conspicuous disclosure to the applicant on a separate form before the report is procured. The applicant shall be provided an option to receive or not receive the report. If the applicant is not hired, or the District takes other action that adversely affects any applicant based in whole or in part upon the third-party report, the Chief Vice President of Human Resources Officer or designee shall provide written or electronic notice of:

- the adverse action to the applicant
- the name, address, and telephone number of the third party agency that furnished the report
- the applicant's right to obtain a free copy of the report and
- the applicant's right to dispute the accuracy or completeness of any of the information in the report

Also see AP 7337 titled Fingerprinting

Office of Primary Responsibility: Human Resource Services

NOTE: This procedure is **legally advised**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made by Human Resource Services. This procedure was reviewed on October 17 and December 12, 2008 by the Policy and Procedure Task Force.

Date Approved:

*(This is a new procedure recommended by the
CC League and the League's legal counsel)*

**AP 7127 RESTRICTIONS GOVERNING THE EMPLOYMENT OF
APPLICANTS WITH CRIMINAL RECORDS**

References:

Education Code Sections 87405-87406, 87009-87011, and 88022

- ❖ **From current Palomar Policy 112 titled Restrictions Governing the Employment of Applicants with Criminal Records (98-19462)**

The Palomar Community College District shall not employ an applicant for any position under any of the following circumstances:

- There is a conviction of any sex offense or controlled substance offense, which prohibits employment under Education Code Sections 87405 and 88022. An applicant may be employed under the exceptions in Education Code Sections 87405 and 88022.
- There is a conviction of a felony or of any crime involving moral turpitude, including but not limited to criminal acts involving intentional dishonesty for the purpose of personal gain, within the previous five years. Moral turpitude includes, but is not limited to, offenses that are substantially related to the position for which the applicant is applying. ~~There are no exceptions.~~

~~Note: The California Supreme Court has held that “criminal acts involving intentional dishonesty for the purpose of personal gain are acts involving moral turpitude.”~~

- There is a conviction of a felony or of any crime involving moral turpitude more than five years ago, unless there is substantial evidence presented that the person has been rehabilitated. The burden of proof is on the applicant, and the decision of the Governing Board is final.
- There is a conviction of any felony involving physical violence toward another. ~~There are no exceptions.~~
- There is a conviction of any misdemeanor involving physical violence toward another within the previous five years. ~~There are no exceptions.~~
- There is a conviction of any misdemeanor involving physical violence against another more than five years ago, unless there is substantial evidence presented that the person has been rehabilitated. The burden of proof is on the applicant, and the decision of the Governing Board is final.

- For positions requiring operation of District vehicles, there is are one two or more convictions for driving under the influence of alcohol or a controlled substance within the previous five years. There are no exceptions.
- There is a conviction of any crime that involves treason against the United States. ~~There are no exceptions~~

~~GB 4-27-99~~

Also see AP 7126 titled Applicant Background Checks, AP 7337 titled Fingerprinting, and AP 7875 titled Controlled Substance and Alcohol Testing

Office of Primary Responsibility: Human Resource Services

NOTE: This procedure is **suggested as good practice**. The information in **black ink** is current Palomar Policy 112 titled Restrictions Governing the Employment of Applicants with Criminal Records adopted on 4-27-99. The information in **blue type** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made by Human Resource Services. This procedure was approved by the Task Force on December 12, 2008.

Date Approved:

(Replaces current Palomar Policy 112)

AP 7145 PERSONNEL FILES

References:

Education Code Section 87031;

Labor Code Section 1198.5

Personnel records are private, accurate, complete, and permanent. All personnel files shall be kept in locked cabinets with access limited to appropriate Human Resource Services personnel serving legitimate District purposes. To ensure privacy, files shall not be left open or unattended in unlocked office areas. Inspection of personnel files by authorized individuals shall occur within the Office of Human Resource Services in the presence of the Chief Human Resources Officer or designee. A signed release form from the employee is required prior to any third party file access.

Personnel files are subject to the provisions in the applicable collective bargaining agreement or employee handbook.

Every employee has the right to inspect personnel records pursuant to the Labor Code.

Information of a derogatory nature shall not be entered into an employee's personnel records unless and until the employee is given notice and an opportunity to review and comment on that information. The employee shall have the right to enter and have his/her own comments attached to any derogatory statement. The review shall take place during normal business hours and the employee shall be released from duty for this purpose without salary reduction.

The employee shall not have the right to inspect personnel records at a time when the employee is actually required to render services to the District.

Nothing in this procedure shall entitle an employee to review ratings, reports, or records that (a) were obtained prior to the employment of the person involved, (b) were prepared by identifiable examination committee members, or (c) were obtained in connection with a promotional examination or interview.

See BP/AP 3310 titled Records Retention and Destruction

Office of Primary Responsibility: Human Resource Services

NOTE: This procedure is **legally advised**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made by Human Resource Services. This procedure was reviewed on October 17 and December 12, 2008 by the Policy and Procedure Task Force.

Date Approved:

(This is a new procedure recommended by the CC League and the League's legal counsel)

AP 7175 DISTRICT AWARDS

References:

Education Code Sections 87801 and 88160

❖ **From current Palomar Procedure 7.13 titled Awards**

~~Awards may be made to~~ The Superintendent/President may authorize awards for individuals performing exemplary service to the District or public education. These awards include, but are not limited to, the following annual awards authorized by the Governing Board to encourage, honor, and reward employee excellence through the following annual awards:

- Distinguished Faculty Award for Excellence in Teaching
- Employee of the Year Awards for the classified, confidential, and supervisory, and administrative employee groups, respectively

~~Monetary awards require advance approval by the Governing Board, and where authorized, shall be made consistent with applicable law and Board policy and procedure. Recommendation of individuals for awards shall be made by a committee appointed by the Superintendent/President or in accordance with written, established District procedures. Unless otherwise provided by written, established District procedures, a representative committee appointed by the Superintendent/President or designee shall review nominations of individuals for awards and make recommendations, including the amount and type of award, to the Superintendent/President. The committee shall recommend the type of award. Awards in cash may be made consistent with law and Board policy. The cost per individual award shall not exceed \$200 unless expressly approved by the Board. Awards shall be approved by the Superintendent/President. The Superintendent/President shall inform the Board of the names of all District award recipients, the purpose for which the award was given, and the type of award.~~

~~The Board determines that these activities are in accordance with Education Code Section 72233 and serve the educational purpose as follows:~~

- ~~Recognizes exceptional academic achievement;~~
- ~~Increases community participation in service to education;~~
- ~~Promotes communication of local educational priorities; and~~
- ~~Commends exemplary service to education.~~

❖ **From current Palomar Policy 7.131 titled Faculty Award for Excellence in Teaching (91-15039, 98-19356)**

~~The Board encourages, honors, and rewards excellence in education by approval of an annual award of \$1,000 net of taxes, paid by District funds, to the recipient of the Faculty Award for Excellence in Teaching.~~

~~GB 5-26-92 rev. 2-23-99~~

❖ **From current Palomar Policy 7.133 titled Award for Administrative Association Employee of the Year (90-14388, 98-19357)**

~~The Governing Board encourages, honors, and rewards excellence in administrators by approval of an annual award of \$1,000 net of taxes, paid by District funds, to the recipient of the Administrative Association Employee of the Year Award.~~

~~GB 4-23-91 rev. 2-23-99~~

❖ **From current Palomar Policy 7.134 titled Award for Classified Employee of the Year (87-12217, 98-19358)**

~~The Governing Board encourages, honors, and rewards excellence in classified employees by approval of an annual award of \$1,000 net of taxes, paid by District funds, to the recipient of the Classified Employee of the Year Award.~~

~~GB 2-9-88 rev. 2-23-99~~

Office of Primary Responsibility: [Human Resource Services](#)

NOTE: The information in **blue ink** is additional language to consider including in this policy. The information in black ink is current Palomar Procedure 7.13 titled Awards with no date and current Palomar Policies 7.131 titled Faculty Award for Excellence in Teaching adopted on 5-26-92 and revised on 2-23-99; 7.133 titled Award for Administrative Association Employee of the Year adopted on 4-23-91 and revised on 2-23-99; and 7.134 titled Award for Classified Employee of the Year adopted on 2-9-88 and revised on 2-23-99. The language in **green ink** reflects revisions/additions made by Human Resource Services. This procedure was approved by the Task Force on December 12, 2008.

Date Approved:

(Replaces current Palomar Procedure 7.13 and current Palomar Policies 7.131, 7.133, and 7.134)